

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

AMERICAN CABLE ASSOCIATION, CTIA)
– THE WIRELESS ASSOCIATION, NCTA –)
THE INTERNET & TELEVISION)
ASSOCIATION, NEW ENGLAND CABLE)
& TELECOMMUNICATIONS)
ASSOCIATION, AND USTELECOM – THE)
BROADBAND ASSOCIATION, on behalf of)
their members,)

Case No. 2:18-cv-167

Plaintiffs,)

v.)

PHILIP B. SCOTT, in his official capacity as)
the Governor of Vermont; SUSANNE R.)
YOUNG, in her official capacity as the)
Secretary of Administration; JOHN J. QUINN)
III, in his official capacity as the Secretary and)
Chief Information Officer of the Vermont)
Agency of Digital Services; and JUNE E.)
TIERNEY, in her official capacity as the)
Commissioner of the Vermont Department of)
Public Service,)
Defendants.)

DEFENDANTS' CONSENTED-TO MOTION TO EXTEND

Defendants hereby move with the consent of Plaintiffs for a one-week extension of time to file a reply in support of their pending motion to dismiss and to stay or phase discovery from February 6, 2019 to February 13, 2019. In support, Defendants rely on the following Memorandum of Law.

MEMORANDUM OF LAW

Under Rule 6(b) of the Federal Rules of Civil Procedure, the Court has discretion to grant an extension of time. On January 23, 2019, Plaintiffs filed an opposition to Defendants' motion.

The opposition makes arguments based on both the pleadings and two supporting declarations. The current deadline for Defendants to file a reply is February 6, 2019. This motion is being filed prior to the expiration of that deadline.

Defendants are requesting a one-week extension of time for two primary reasons. First, undersigned counsel was working on opposing a preliminary injunction motion from the date Defendants' opposition was filed through January 30, 2019 and then was out of the office on February 1 with a stomach illness. Second, Plaintiffs' inclusion of factual declarations with their opposition has made Defendants' options for responding more complex than they otherwise would have been.

The requested extension is necessary in order to allow Defendants to prepare an appropriate and thorough response to Plaintiffs' filing. Given the brief duration of the extension requested, no undue prejudice or delay will occur if the requested extension is granted. Plaintiffs have indicated that they consent to the requested extension of time.

WHEREFORE, Defendants respectfully request that the Court extend the time for Defendants to file a reply in support of their motion to dismiss and to stay or phase discovery until February 13, 2019.

DATED at Montpelier, Vermont this 5th day of February 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: /s/ David Boyd
David Boyd
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-1101
David.Boyd@vermont.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February 2019, I electronically filed Defendants' Consented-to Motion to Extend with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered participants.

DATED at Montpelier, Vermont this 5th day of February 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: /s/ David Boyd
David Boyd
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-1101
David.Boyd@vermont.gov

Counsel for Defendants